

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-30111-MAP

JAMES V. CARIDDI,
Plaintiff

v.

CONSOLIDATED ALUMINUM CORPORATION,
Defendant

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties jointly move for the court to amend the Scheduling Order dated July 28, 2005, issued by Kenneth P. Neiman, U.S. Magistrate Judge, to extend the time period for filing of Plaintiff's opposition and cross-motion for summary judgment from February 10, 2006 to May 1, 2006, and Defendant's response from February 21, 2006 to May 12, 2006.

In support of this motion, the parties state that detailed technical information regarding the scope of appropriate environmental response actions to address the presence of contamination at the Property was recently generated by the Licensed Site Professional.¹ The parties, through their counsel and environmental experts, are working cooperatively to identify appropriate response actions as part of good faith settlement discussions. In order to facilitate settlement discussions, the parties seek to suspend litigation activities.

¹ Environmental response actions at the Property are overseen by a Licensed Site Professional ("LSP") in accordance with M.G.L. c. 21E, and its regulations, the Massachusetts Contingency Plan, 310 CMR 40.0000 *et seq.* ("MCP"). The LSP issued a Phase II - Comprehensive Site Assessment Report and Phase III - Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives Report on November 14, 2005.

Therefore, the parties request that this court amend paragraph 9 of the Scheduling Order dated July 20, 2005 by extending the due dates for Plaintiff's opposition and cross-motion for Summary Judgment from February 10, 2006 to May 1, 2006, and Defendant's response from February 21, 2006 to May 12, 2006.

Respectfully submitted,

CONSOLIDATED ALUMINUM CORPORATION
By its attorneys,

JAMES V. CARIDDI
By his attorneys,

/s/ Robert D. Cox, Jr.

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Dated: February 2, 2006

CERTIFICATE OF SERVICE

I, Robert D. Cox, Jr., hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 2, 2006.

/s/ Robert D. Cox, Jr.